

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

RAY A. FOX, by and through his)	
guardian, ROSE FOX,)	
)	Case No. 1:12-cv-08740
Plaintiff,)	
)	Chief Judge Holderman
v.)	
)	JURY TRIAL DEMANDED
ADMIRAL INSURANCE COMPANY,)	
)	
Defendant.)	

REPORT OF THE PARTIES' PLANNING MEETING

1. The following persons participated in a Rule 26(f) conference on February 1, 2013 by telephone:

Scott R. Rauscher representing the plaintiff.
Omar S. Odland representing the defendant.

2. **Initial Disclosures.** The parties will complete by February 8, 2013 the initial disclosures required by Rule 26(a)(1).

3. **Discovery Plan.** The parties propose this discovery plan:

(a) Subjects of discovery:

- (i) The parties agree that discovery will be needed on the following subjects:

- (1) The insurance that was, or should have been, available to the Defendants in *Fox v. Barnes*, No. 09-5453 (N.D. Ill.);

- (2) Wexford's claims against Admiral, and damages relating to those claims;

- (3) The negotiating history relating to insurance coverage between the named insureds in *Fox v. Barnes* and Admiral;

- (4) The *bona fides* of the settlement agreement, assignment of rights, and consent judgment between Fox and Wexford;

- (5) The reasonableness of the decision by Wexford to settle;
 - (6) The reasonableness of the amount of the settlement between Wexford and Fox; and
 - (7) The bases for Wexford/Fox's claim(s) for insurance coverage, including the bases for Fox's claims against Wexford.
 - (ii) Plaintiff believes that discovery will also be needed on the following topics:
 - (1) Discovery relating to Admiral's responsibility for punitive damages. Admiral does not agree that this inquiry is relevant;
 - (2) Admiral insurance policies that use the same civil-rights and non-stacking endorsements as the policies at issue in *Fox v. Barnes*. Admiral does not agree that this inquiry is relevant.
 - (b) The parties may issue written discovery on or after February 1, 2013, following their planning conference.
 - (c) Fact discovery shall be completed by August 9, 2013.
 - (d) Plaintiff's Rule 26(a)(2) disclosures shall be served by September 9, 2013.
 - (e) Depositions of plaintiff's experts shall be completed by October 25, 2013.
 - (f) Defendant's Rule 26(a)(2) disclosures shall be made by November 11, 2013.
 - (g) Depositions of Defendant's experts shall be completed, and any rebuttal expert reports by Plaintiff's experts shall be made by December 11, 2013.
4. Other Items:
- (a) Dispositive motions shall be filed by January 20, 2014.

Date: 2/4/2013

/s/ Scott R. Rauscher

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